

30394. Misbranding of Hy-Lo-Ex. U. S. v. 65 Bottles, et al., of Hy-Lo-Ex. Default decrees of condemnation and destruction. (F. & D. Nos. 44905, 44906. Sample Nos. 48924-D, 48925-D, 48927-D.)

The labeling of this product bore false and fraudulent representations regarding its curative and therapeutic effectiveness.

On February 28, 1939, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 155 various-sized bottles of Hy-Lo-Ex at Providence, R. I.; alleging that the article had been shipped in interstate commerce on or about December 12, 1938, and January 17, 1939, by the Medway Laboratories, Inc., from West Medway, Mass.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of sodium biphosphate, sugar, water, and oil of lemon.

The article was alleged to be misbranded in that certain statements in the labeling regarding its curative and therapeutic effects falsely and fraudulently represented that it was effective in the treatment of coughs from whatever cause, croup, laryngitis, pneumonia, bronchitis, hoarseness, asthma, grippe; effective to assist nature to throw off waste and heal diseased surfaces; effective to expel the offensive matter that has accumulated from a diseased condition of the respiratory organs, and effective in the treatment of chilliness, fever, hoarseness, difficult breathing or shortness of breath, severe cough, clammy sweat, and inability to expectorate.

On March 25, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30395. Adulteration and misbranding of Myraphen Tablets. U. S. v. 104 Packages of Myraphen Tablets. Default decree of condemnation and destruction. (F. & D. No. 44559. Sample No. 26992-D.)

This product was represented to contain 3 grains of acetophenetidin per tablet, whereas it contained not more than 1.9 grains per tablet. Moreover, its labeling bore false and fraudulent representations regarding its curative and therapeutic effectiveness.

On or about December 21, 1938, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 104 packages of Myraphen Tablets at Hamden, Conn.; alleging that the article had been shipped in interstate commerce on or about September 10, 1938, by Plexo Preparations, Inc., from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article contained not more than 1.98 grains of acetophenetidin per tablet.

Adulteration was alleged in that the strength of the article fell below the professed standard and quality under which it was sold, namely, "Each Tablet contains 3 grs. Acetphenetidine"; whereas each tablet contained a less amount.

Misbranding was alleged in that the statement "Each tablet contains 3 grs. Acetphenetidine" was false and misleading. Misbranding was alleged further in that the package label failed to bear a statement of the quantity or proportion of acetophenetidin contained in the article, since the statement made was incorrect; and further the label failed to state that acetophenetidin is a derivative of acetanilid. The article was alleged to be misbranded further in that the following statements in the labeling regarding its curative or therapeutic effects were false and fraudulent: (Box) "For the Relief of Headaches, Toothache, Neuralgia, Neuritis, Periodic Pain When due to exposure or causes other than organic"; (circular) "Myraphen contains * * * special ingredients * * * an aid in relieving the discomforts of simple pains and aches, such as Headache, Neuralgia, Neuritis, Muscular Aches and Pains, * * * Toothache generally submits to the prompt influence of Myraphen. Myraphen is excellent as an aid in relieving the discomforts of Functional Pains during the menstrual periods. * * * its action is quick and forceful."

On March 6, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*